

**UNITED STATES OF AMERICA**

**IN THE WESTERN DISTRICT OF MICHIGAN – SOUTHERN DIVISION**

Derek Antol, individually and as next friend of  
DSA, a minor, DSAIL, a minor, and Tryston Antol,  
Plaintiffs,

File No: 1:17-cv-613

v.

Adam Dent, Kate Strauss,  
Casey Bringedahl, Casey Trucks,  
Pete Kutches, and Western Michigan  
Enforcement Team, a public  
body organized under the laws of the  
State of Michigan,  
Defendants,

Hon. Janet T. Neff  
U.S. District Court Judge

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**PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE [15]**

Plaintiffs, for their response, state:

1. Within a few days of serving Defendant Kutches, counsel for Plaintiffs received a telephone call from Mr. Hughes indicating that he was retained to defend Mr. Kutches and inquired about an extension on the time to file.
2. Counsel for Plaintiffs agreed to an extension but no stipulation was tendered.

3. Within a few minutes of filing the Order to Show Cause [R. 15] on November 3, 2017, Mr. Benson called on behalf of Mr. Kutches seeking concurrence in an extension which was granted.

4. Also on November 3, 2017, Mr. Benson filed an answer on behalf of Mr. Kutches [R. 17].

5. Counsel had taken no action on Mr. Kutches because the time for Defendant WEMET to answer had not expired until November 1, 2017.

6. During the week of November 6, 2017, Plaintiffs sought the default of Defendant WEMET since service was complete on all other Defendants.

7. During the week of November 6, 2017, Mr. Hughes called again indicating he would now represent WEMET and sought concurrence in a stipulation to set aside the default which was granted.

8. Since all Defendants had recently either filed an answer or reached their time limit, Plaintiffs were willing to extend time to Mr. Kutches until all those time frames lapsed before taking action.

9. Plaintiffs are aware that defaults against governmental entities and actors are routinely set aside in these circumstances.

WHEREFORE, Plaintiffs respectfully request this Honorable Court set aside the order to show cause [R. 15] and allow this matter to proceed.

Dated: 11/16/2017

/s/ J. Nicholas Bostic  
J. Nicholas Bostic (P40653)  
Attorney for Plaintiff  
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**CERTIFICATE OF SERVICE**

I, J. Nicholas Bostic, certify that, on November 16, 2017, I served Plaintiffs' Response to Order to Show Cause electronically by using the Court's electronic filing system which will send notice of filing to all counsel of record. I declare that the above statement is true to the best of my information, knowledge and belief.

Dated: 11/16/2017

/s/ J. Nicholas Bostic  
J. Nicholas Bostic  
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